

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 260 be amended to read as follows:

- 1 Page 25, between lines 10 and 11, begin a new paragraph and
- 2 insert:
- 3 "SECTION 1. IC 12-7-2-180.2 IS ADDED TO THE INDIANA
- 4 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 1999]: **Sec. 180.2. "Special needs foster**
- 6 **family home", for purposes of IC 12-17.4, means a foster family**
- 7 **home:**
- 8 (1) that provides care for a child who:
- 9 (A) has a mental, physical, or emotional disability; and
- 10 (B) will require additional supervision or assistance in
- 11 behavior management, activities of daily living, or
- 12 management of medical problems; and
- 13 (2) that meets the additional requirements under
- 14 IC 12-17.4-4-1.7.
- 15 SECTION 2. IC 12-7-2-190.8 IS ADDED TO THE INDIANA
- 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 1999]: **Sec. 190.8. "Therapeutic foster family**
- 18 **home", for purposes of IC 12-17.4, means a foster family home:**
- 19 (1) that provides care to a seriously emotionally disturbed or
- 20 developmentally disabled child;
- 21 (2) in which the child receives treatment in a family home
- 22 through an integrated array of services supervised and
- 23 supported by qualified program staff from:
- 24 (A) the office of the secretary of family and social
- 25 services;
- 26 (B) a managed care provider that contracts with the
- 27 division of mental health; or

1 (C) a licensed child placing agency; and
2 (3) that meets the additional requirements under
3 IC 12-17.4-4-1.5."

4 Page 37, between lines 37 and 38, begin a new paragraph and
5 insert:

6 "SECTION 3. IC 12-17.2-3.1 IS ADDED TO THE INDIANA
7 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 1999]:

9 Chapter 3.1. Board for the Coordination of Child Care
10 Regulation

11 Sec. 1. (a) The board for the coordination of child care
12 regulation is established. The board consists of the following
13 members:

14 (1) One (1) employee of the division to be designated by the
15 director of the division.

16 (2) One (1) employee of the state department of health to be
17 designated by the commissioner of the state department of
18 health.

19 (3) The state fire marshal or the state fire marshal's
20 designee.

21 (4) Ten (10) members, not more than five (5) of whom may
22 be from the same political party, to be appointed as follows:

23 (A) One (1) member with child development experience
24 to represent the public.

25 (B) One (1) member to represent operators of foster
26 family homes.

27 (C) Two (2) members to represent operators of child
28 care homes.

29 (D) One (1) member to represent operators of child
30 caring institutions.

31 (E) One (1) member to represent operators of group
32 homes and child placing agencies.

33 (F) One (1) member who is knowledgeable about the
34 delivery of child care services to children and who is not
35 an owner or operator of a facility, a ministry, or an
36 agency that is licensed or registered under this chapter.

37 (G) Two (2) members to represent operators of child
38 care centers.

39 (H) One (1) member to represent child care ministries.

40 (5) Two (2) members of the house of representatives, not
41 more than one (1) of whom is a member of the same political
42 party, to be appointed by and serve at the pleasure of the
43 speaker of the house of representatives.

44 (6) Two (2) members of the senate, not more than one (1) of
45 whom is a member of the same political party, to be
46 appointed by and serve at the pleasure of the president pro
47 tempore of the senate.

48 (b) The president pro tempore of the senate shall appoint the
49 board members listed under subsection (a)(4)(A), (a)(4)(B), and
50 (a)(4)(D), and one (1) member each under subsection (a)(4)(C) and
51 (a)(4)(G). The speaker of the house of representatives shall appoint
52 the board members listed under subsection (a)(4)(E), (a)(4)(F), and

1 (a)(4)(H), and one (1) member each under subsection (a)(4)(C) and
2 (a)(4)(G). At least one (1) of the members appointed under this
3 section must have knowledge or expertise, or both, in the area of
4 children with special needs.

5 (c) The legislative council shall appoint the chairperson of the
6 board from among the board members.

7 Sec. 2. The terms of the members expire November 1, 2001.

8 Sec. 3. The board shall elect necessary officers from among the
9 board's members.

10 Sec. 4. The board shall meet upon the call of the chairperson.

11 Sec. 5. A majority of the members must be present for the
12 transaction of business.

13 Sec. 6. The affirmative votes of a majority of the members of
14 the board are required for the board to take action on any
15 measure, including final reports.

16 Sec. 7. The board may appoint subcommittees of the board's
17 members to receive public testimony, visit facilities, and make
18 recommendations to the full committee.

19 Sec. 8. The legislative services agency shall provide the
20 personnel necessary to staff the board.

21 Sec. 9. Each member of the board who is not a member of the
22 general assembly is entitled to reimbursement for traveling and
23 other expenses actually incurred in connection with the member's
24 duties, as provided in the state travel policies and procedures
25 established by the Indiana department of administration and
26 approved by the budget agency. Each member who is not a state
27 employee is entitled to the minimum salary per diem as provided
28 in IC 4-10-11-2.1(b).

29 Sec. 10. Each member of the board who is a member of the
30 general assembly is entitled to receive the same per diem, mileage,
31 and travel allowances paid to members of the general assembly
32 serving on interim study committees established by the legislative
33 council. Payments made to a member of the general assembly
34 under this section shall be paid from funds appropriated to the
35 legislative council and the legislative services agency for this
36 purpose.

37 Sec. 11. The board shall study the laws governing the
38 regulation of child care and make recommendations to the general
39 assembly concerning changes in the law the board finds are
40 appropriate. Before November 1 of each year, the board shall
41 submit a written report to the legislative council that identifies the
42 board's recommendations and discusses the status of the board's
43 continuing program of study. The board's program of study under
44 this section must include a study of the following topics:

45 (1) The need for changes in the scope and degree of child
46 care regulation established by statute or rule, or both.

47 (2) The need to reorganize governmental units involved in
48 the regulation of child care facilities to promote effective and
49 efficient child care regulation, including the form that a
50 needed reorganization should take.

(3) A method for the completion of a statewide needs assessment to determine the availability and projected need for safe and affordable child care.

(4) The need for programs to meet the needs of Indiana residents if the board determines that safe and affordable child care facilities are not available and easily accessible to Indiana residents.

(5) The effect of pending and enacted federal legislation on child care in Indiana and the need for statutory changes to qualify for federal child care grants and to comply with federal child care requirements.

Sec. 12. This chapter expires November 1, 2001."

Page 39, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 4. IC 12-17.4-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: **Sec. 1.5. (a) A person may not operate a therapeutic foster family home without a license issued under this article.**

(b) The state or a political subdivision of the state may not operate a therapeutic foster family home without a license issued under this article.

(c) The division may only issue a license for a therapeutic foster family home that meets:

- (1) all of the licensing requirements of a foster family home; and**
- (2) the additional requirements described in this section.**

(d) An applicant for a therapeutic foster family home license must do the following:

- (1) Be licensed as a foster parent under 470 IAC 3-1-1 et seq.**
- (2) Participate in thirty (30) hours of pre-service training that includes:**

(A) twenty (20) hours of pre-service training to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

(B) ten (10) hours of additional pre-service training in therapeutic foster care.

(e) A person who is issued a license to operate a therapeutic foster family home shall, within one (1) year after meeting the training requirements of subsection (d)(2) and annually thereafter, participate in twenty (20) hours of training that includes:

- (1) ten (10) hours of training as required in order to be licensed as a foster parent under 470 IAC 3-1-1 et seq.; and**
- (2) ten (10) hours of additional training in order to be licensed as a therapeutic foster parent under this chapter.**

(f) An operator of a therapeutic foster family home may not provide supervision and care in a therapeutic foster family home to more than two (2) foster children at the same time, not including the children for whom the applicant or operator is a parent, stepparent, guardian, custodian, or other relative. The division may grant an exception to this subsection whenever the placement

1 of siblings in the same therapeutic foster family home is desirable
2 or in the best interests of the foster children residing in the home.

3 SECTION 5. IC 12-17.4-4-1.7 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 1999]: Sec. 1.7. (a) A person may not operate
6 a special needs foster family home without a license issued under
7 this article.

8 (b) The state or a political subdivision of the state may not
9 operate a special needs foster family home without a license issued
10 under this article.

11 (c) The division may only issue a license for a special needs
12 foster family home that meets:

13 (1) all of the licensing requirements of a foster family home;
14 and

15 (2) the additional requirements described in this section.

16 (d) An applicant for a special needs foster family home license
17 must be licensed as a foster parent under 470 IAC 3-1-1 et seq. that
18 includes participating in twenty (20) hours of pre-service training.

19 (e) A person who is issued a license to operate a special needs
20 foster family home shall, within one (1) year after meeting the
21 training requirements of subsection (d) and annually thereafter,
22 participate in twenty (20) hours of training that includes:

23 (1) ten (10) hours of training as required in order to be
24 licensed as a foster parent under 470 IAC 3-1-1 et seq.; and

25 (2) ten (10) hours of additional training that includes
26 specialized training to meet the child's specific needs.

27 (f) An operator of a special needs foster family home may not
28 provide supervision and care as a special needs foster family home
29 if more than:

30 (1) eight (8) individuals, each of whom either:

31 (A) is less than eighteen (18) years of age; or

32 (B) is at least eighteen (18) years of age and is receiving
33 care and supervision under an order of a juvenile court;
34 or

35 (2) four (4) individuals less than six (6) years of age;

36 including the children for whom the provider is a parent,
37 stepparent, guardian, custodian, or other relative, receive care and
38 supervision in the home at the same time. Not more than four (4)
39 of the eight (8) individuals described in subdivision (1) may be less
40 than six (6) years of age. The division may grant an exception to
41 this section whenever the division determines that the placement
42 of siblings in the same special needs foster home is desirable.

43 (g) The division shall consider the specific needs of each special
44 needs foster child whenever the division determines the
45 appropriate number of children to place in the special needs foster
46 home under subsection (f). The division may require a special
47 needs foster family home to provide care and supervision to less
48 than the maximum number of children allowed under subsection
49 (f) upon consideration of the specific needs of a special needs foster
50 child."

Page 72, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 1999] (a) As used in this SECTION, "division" refers to the division of family and children established by IC 12-13-1-1.

(b) As used in this SECTION, "special needs foster child" means a child who:

(1) is placed in a foster family home by the division of family and children;

(2) has a mental, a physical, or an emotional disability; and

(3) will require additional supervision or assistance in behavior management, activities of daily living, or management of medical problems.

(c) As used in this SECTION, "therapeutic foster child" means a child who:

(1) is placed in a foster family home by the division of family and children;

(2) is seriously emotionally disturbed or developmentally disabled; and

(3) receives treatment in a foster family home through an integrated array of services supervised and supported by qualified program staff from:

(A) the office of the secretary of family and social services;

(B) a managed care provider that contracts with the division of mental health; or

(C) a licensed child placing agency.

(d) Except as provided in subsection (e), the division may not remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements for operating a:

(1) therapeutic foster family home under IC 12-17.4-4-1.5, as added by this act; or

(2) special needs foster family home under IC 12-17.4-4-1.7, as added by this act.

(e) The division may remove a special needs foster child or a therapeutic foster child from a foster family home in which the child is placed before July 1, 1999, because the foster family home does not meet the requirements described in subsection (d)(1) or (d)(2) if the division determines that remaining in the foster family home is not in the child's best interest."

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed April 6, 1999.)

Representative BUDAK